

## **REMARKS**

Claims 1-13, 15-35, 37, 39-43, 45-48, 51-62, and 64-74 are pending.

Claims 1-13, 15-35, 37, 39-43, 45-48, 51-62, and 64-74 stand rejected.

Claims 1-13, 15, 16, 20-35, 37, 40, 41, 45-48, 51-62, and 64-70 have been amended.

Note: The Examiner did not indicate the pendency of Claims 73 and 74. Applicants respectfully submit that Claims 73 and 74 are pending.

### **Claim Objections**

Claims 10, 33 and 48 stand objected to. Applicants have appropriately amended the objected to Claims to address the objections.

Accordingly, Applicants respectfully request withdrawal of the objections to the claims.

### **Claim Rejections**

Applicants initially note that Applicants position that the Claims distinguish over *Smith* does not have to be based upon making known parts in *Smith* separable. As amended, the Claims distinguish over *Smith* by recited limitations not taught or suggested by *Smith*, whether in a combined function or a separate function. In at least one embodiment, the present invention of expands the ability of a user beyond *Smith* by allowing the user to successfully select a product by providing the user multiple, distinct ways of identifying product selections.

In the March 7, 2006 Office Action, the Examiner states that *Smith* teaches that “given that configuration/attribute information for products stored in the database are compared to attributes to determine which products match listed attributes (col. 8, lines 24-62; column 10, lines 14-27), generating such configuration lists is held to be obvious, to make the system carry out its functions.” Office Action, p. 7. However, Applicants respectfully submit that, in light of the Claim amendments, the present invention clearly distinguishes over the teachings and suggestions of *Smith*. Applicants respectfully submit that locating vehicles in *Smith* clearly depends on the user always providing the same type of information, i.e. “desired vehicle configuration and options” (col. 10, lines 17-18) or, in other words, “specifications dictated by

the consumer” (col. 8, line 28). The present invention contemplates the user providing two different types of information, i.e. “product related data represent[ing] one or more product attributes” or “product related data represent[ing] the product identifier.” The processes and results differ depending upon the type of information provided by the user. Applicants submit that this is neither taught nor suggested by *Smith*.

### **(I) Claim Rejections - 35 U.S.C. § 103**

Claims 1-13, 15-23 and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,901,430 issued to Smith (hereinafter “*Smith*”) in view of official notice. Applicants respectfully traverse the rejection.

*Smith* relates to “An online system of locating consumer product having specific configuration in an enterprise production pipeline and inventory.” *Smith*, Abstract.

*Smith* relevantly teaches only that “the consumer accesses the system via portal web pages, and enters desired vehicle configuration and options, as shown in blocks 432 and 434.” *Smith*, col. 10, lines 16-19. “Dealership inventory and in-process vehicles are searched for a match or near match, as shown in block 436.” *Id.*, lines 19-20. In col. 8, lines 24-43, *Smith* teaches that “[i]nventory database 322 contains data related to the availability of an in-process or at-dealership product that may match the specifications dictated by the consumer.”

In at least one embodiment, the present invention of Claim 1 expands the ability of a user beyond *Smith* by allowing the user to successfully select a product by providing the user multiple, distinct ways of identifying product selections.

In contrast to *Smith*, Claim 1 combines two distinct modules, each having a distinct process to “provide one or more product selections to a user.” The particular module used depends on whether “the product related data [received from the user] represents the one or more product attributes” or “the product related data represents the product identifier”. Claim 1.

One module is a “filter service module” ... “to (i) receive one or more product attributes and (ii) identify one or more of the product configurations stored in the database that each include the one or more product attributes, if the product related data represents the one or more product attributes”. *Id.* The other module is “a configuration service module” “to (i) receive a

product identifier and to (ii) identify each combination of attributes stored in the database that corresponds to the product identifier, if the product related data represents the product identifier.” *Id.*

*Smith* teaches that a user “enters desired vehicle configuration and options.” *Smith*, col. 10, lines 17-18. Subsequently, “[d]ealership inventory and in-process vehicles are searched for a match or near match.” *Id.*, lines 19-20. Applicants respectfully submit that *Smith* does not combine this approach with an approach to perform a distinct process to “identify each combination of attributes stored in the database that corresponds to the product identifier.” The Present Application provides an example of an embodiment of this distinct process, which illustrates the differences. The Present Application states that “[c]onfiguration list 2090 can include, for example, information regarding allowable combinations of features for a given product.”

Thus, in contrast to the teachings and suggestions of *Smith*, Claim 1 includes a presentation module that is able to provide two distinct types of information to the user depending on whether “the product related data [received from the user] represents the one or more product attributes” or “the product related data represents the product identifier”. Namely, Claim 1 includes a presentation module to:

(i) **provide each identified product configuration as a product selection** to the user via the communication link if the product related data represents the one or more product attributes **and**

(ii) **provide one or more product selections to the user** via the communication link, **wherein**, if the product related data represents the product identifier, **each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier.**

Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 1 and withdrawal of dependent Claims 4-6, 13, 15-19 and 73 for at least the same reasons as Claim 1.

## **(II) Claim Rejection - 35 U.S.C. § 103**

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 1 and further in view of Neuborne et al. “Branding on the Net: The Old Rules Don’t Apply. So How Do You Hustle Those Wares Online?”

Applicants respectfully request withdrawal of the rejection of dependent Claims 2 and 3 for at least the same reasons as Claim 1.

### **(III) Claim Rejections - 35 U.S.C. § 103**

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 6 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 7-12 for at least the same reasons as Claim 1.

### **(IV) Claim Rejections - 35 U.S.C. § 103**

Claims 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 19 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 19 and 20-23 for at least the same reasons as Claim 1

### **(V) Claim Rejections - 35 U.S.C. § 103**

Claims 24-35, 37, 39-48, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and in view of official notice.

In contrast to the teachings and suggestions of *Smith*, Claim 24 also recites two distinct processes that (1) “receive one or more product attributes and **identify one or more product configurations** stored in the database that each include the one or more product attributes, if the product related data represents the one or more product attributes” and (2) “receive a product identifier and **identify each combination of attributes stored in the database that corresponds to the product identifier**, if the product related data represents the product identifier.”

Furthermore, in contrast to the teachings and suggestions of *Smith*, Claim 24 further recites instructions to (1) “**provide each identified product configuration as a product selection** to the user via the communication link if the product related data represents the one or

more product attributes” and (2) “provide one or more product selections to the user . . . , wherein, if the product related data represents the product identifier, each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier.

Applicants respectfully request withdrawal of the rejection of Claim 24 and withdrawal of the rejection of dependent Claims 25-25, 37, 39-48, and 74 for at least similar reasons as Claim 1.

#### **(VI) Claim Rejections - 35 U.S.C. § 103**

Claims 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 29 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 30-35 for at least the same reasons as Claim 24.

#### **(VII) Claim Rejections - 35 U.S.C. § 103**

Claims 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 24 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 45-48 for at least the same reasons as Claim 24.

#### **(VIII) Claim Rejections - 35 U.S.C. § 103**

Claims 51-53, 57-59, and 64-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of official notice.

In contrast to the teachings and suggestions of *Smith*, Claim 51 also recites two distinct processes that depend on whether the “product related data [received from a user] represents the one or more product attributes” or “the product related data represents the product identifier.” Claim 51.

In contrast to the teachings and suggestions of *Smith*, Claim 51 recites (1) “receiving one or more product attributes and identifying one or more product configurations stored in a database that each include the one or more product attributes, **if the product related data represents the one or more product attributes**” and (2) “identifying each combination of attributes stored in the database that corresponds to the product identifier, **if the product related data represents the product identifier.**”

Furthermore, in contrast to the teachings and suggestions of *Smith*, Claim 51 further recites (1) “providing each identified product configuration as a product selection to the user via the communication link **if the product related data represents the one or more product attributes**” and (2) “providing one or more product selections to the user via the communication link, wherein, if the product related data represents the product identifier, each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier.”

Accordingly, since *Smith* teaches and suggests only one (1) process of identifying a product, as demonstrated with regard to Claim 1, *Smith* cannot teach or suggest the two (2) distinct processes of Claim 51.

Applicants respectfully request withdrawal of the rejection of Claim 51 and withdrawal of the rejection of dependent Claims 52, 53, 57-59, and 64-69 for at least similar reasons as Claim 51.

#### **(IX) Claim Rejections - 35 U.S.C. § 103**

Claims 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 51 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 54-56 for at least the same reasons as Claim 51.

#### **(X) Claim Rejections - 35 U.S.C. § 103**

Claims 60 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 57 and further in view of the Microsoft Press Computer Dictionary.

Applicants respectfully request withdrawal of the rejection of dependent Claims 60 and 61 for at least the same reasons as Claim 51.

#### **(XI) Claim Rejection - 35 U.S.C. § 103**

Claim 62 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 51 and further in view of Neuborne.

Applicants respectfully request withdrawal of the rejection of dependent Claim 62 for at least the same reasons as Claim 51.

#### **(XII) Claim Rejections - 35 U.S.C. § 103**

Claims 70 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of official notice.

Applicants respectfully submit that Claims 70-74 are means plus function claims in accordance with 35 U.S.C. § 112, para. 6.

In contrast to the teachings and suggestions of *Smith*, Claim 70 also recites two distinct means, **one** for “receiving one or more product attributes and identifying one or more pre-generated product configurations stored in a database that each include the one or more product attributes, **if the product related data represents the one or more product attributes**” and **another** for “**receiving a product identifier and identifying each combination of attributes stored in the database that corresponds to the product identifier**, if the product related data represents the product identifier, if the product related data represents the product identifier.”

Additionally, in contrast to the teachings and suggestions of *Smith*, Claim 70 includes “means for providing each identified pre-generated product configuration as a product selection to the user via the communication link **if the product related data represents the one or more product attributes**” and “means for providing one or more product selections to the user via the communication link, wherein, **if the product related data represents the product identifier**,

each product selection represents a product identifier and a respective combination of attributes identified as corresponding to the product identifier.”

Accordingly, since *Smith* teaches and suggests only one (1) process of identifying a product, as demonstrated with regard to Claim 1, *Smith* cannot teach or suggest the two (2) distinct processes of Claim 70.

Applicants respectfully request withdrawal of the rejection of Claim 70 and withdrawal of the rejection of dependent Claim 72 for at least similar reasons as Claim 70.

**(XIII) Claim Rejection - 35 U.S.C. § 103**

Claim 71 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith and official notice as applied to claim 70 and further in view of Neuborne.

Applicants respectfully request withdrawal of the rejection of dependent Claim 71 for at least the same reasons as Claim 70.



### CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

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Respectfully submitted,

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